

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

**JEREMIAH DAVIDSON, Individually and
on Behalf of All Others Similarly Situated**

PLAINTIFF

vs. No. 4:22-cv-4345

LAUSON DRILLING SERVICES, INC.

DEFENDANT

**PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT
AND INCORPORATED BRIEF IN SUPPORT**

Plaintiff Jeremiah Davidson ("Plaintiff"), individually and on behalf of all others similarly situated, through undersigned counsel, and for his Motion for Entry of Default and Incorporated Brief in Support, states and alleges as follows:

1. On 22 February 2024, Baker & Hostetler, LLP, filed a Motion to Withdraw as Counsel for Defendant Lauson Drilling Services, Inc. ECF No. 19.

2. On 2 May 2024, the parties conducted a Telephone Scheduling Conference in which Baker & Hostetler's Motion to Withdraw was discussed. The Court entered an Order granting Baker & Hostetler's motion the same day. ECF No. 23.

3. The Court likewise entered an Order following the conference in which it instructed Defendant to obtain new counsel within 30 days.

4. Since the Court's Order, Defendant has not filed any document with the Court and Plaintiff's counsel has not been contacted by Defendant or any counsel for Defendant.

5. Given Defendant's failure to comply with or otherwise respond to this Court's Order, Plaintiff respectfully requests that the Court strike Defendant's answer and defenses and consider entry of default and eventual default judgment.

WHEREFORE, premises considered, Plaintiff Jeremiah Davidson respectfully requests that Plaintiff's Motion for Entry of Default be granted in full; that Defendant's answer and defenses be struck; for costs and a reasonable attorney's fee; and for all other relief to which Plaintiff may be entitled, whether specifically prayed for or not.

BRIEF IN SUPPORT

Plaintiff Jeremiah Davidson, individually and on behalf of others similarly situated, initiated this FLSA action against Defendants Lauson Drilling Services, Inc. ("Defendant") on 15 December 2022. ECF No. 1. Defendant answered through counsel on 21 February 2023. ECF No. 9. On 22 February 2024, counsel for Defendant moved to withdraw, stating their client was unresponsive. ECF No. 19. On 2 May 2024, the Court granted Defendant's counsel's request to withdraw and instructed Defendant to obtain new counsel by 3 June 2024. ECF No. 22. The Court noted that as a corporation, Defendant is required to be represented by counsel. *Id.*

It is well established that corporations and LLCs are fictional legal persons who can only be represented by licensed counsel. *Rowland v. California Men's Colony*, 506 U.S. 194, 201–02 (1993). When a company defendant fails to obey orders to obtain counsel after being warned of the consequences of failing to do so, the district court may properly strike its defenses or enter default in an FLSA case. *Memon v. Allied Domecq QSR*, 385 F.3d 871, 874 (5th Cir. 2004); *Donovan v. Road Rangers Country Junction, Inc.*, 736 F.2d 1004, 1005 (5th Cir. 1984) ("Gordon declined to hire counsel to represent the corporation so the district court properly struck the defenses of the corporation."); *Hamilton v. EnerSafe, Inc.*, No. SA:15-CV-965-DAE, 2018 U.S. Dist. LEXIS 226957, at *5 (W.D. Tex. Mar. 6, 2018) ("When a corporation declines to hire counsel to represent it, the Court may strike its pleadings or enter default.");

Future World Elecs., LLC v. Over Drive Mktg., LLC, No. 3:12-CV-2124-B, 2013 U.S. Dist. LEXIS 158084, at *5 (N.D. Tex. Nov. 5, 2013) (after instructing LLC to obtain counsel and giving warning, finding it appropriate to strike answer and enter default judgment); *Adonai Communs., Ltd. v. Awstin Invs., L.L.C.*, Civil Action No. 3:10-CV-2642-L, 2012 U.S. Dist. LEXIS 35704, at *5 (N.D. Tex. Mar. 16, 2012) (“Other courts have found default judgment to be the appropriate remedy when a corporation fails, after court warning, to appoint counsel.”) *King v. Allegiance Mgmt., LLC*, No. A-09-CA-317 LY, 2010 U.S. Dist. LEXIS 55130, at *4 (W.D. Tex. June 4, 2010) (“Since Defendant has failed to hire counsel and counsel has failed to enter an appearance on its behalf, Defendant’s Answer is properly stricken.”).

Defendant has failed to comply with the Court’s Order to obtain counsel. Accordingly, Plaintiff requests the Court strike Defendant’s answer and defenses and to consider entry of default and eventual default judgment.

Respectfully submitted,

**JEREMIAH DAVIDSON, Individually
and on Behalf of All Others
Similarly Situated, PLAINTIFF**

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CERTIFICATE OF SERVICE

I, the undersigned counsel, do hereby certify that on the date imprinted by the CM/ECF system, a copy of the foregoing MOTION was filed via the CM/ECF system, which will provide notice to all interested parties. Notice has been delivered by other means to:

Lauson Drilling Services, Inc.
c/o Raymond Bubak
P.O. Box 820 Columbus
Columbus, Texas 78934

/s/ Josh Sanford

Josh Sanford